

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6090

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing the 120th Avenue NE Street Improvement Project, Stage 2; providing for condemnation, appropriation, taking of land and property rights necessary therefore; providing for payment thereof including payment in part by consideration of special benefits and related special assessments, and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 3, 2012, the City Council adopted the 2013-2019 Capital Investment Program (CIP), by Ordinance No. 6089; and

WHEREAS, the 120th Avenue NE Street Improvement Project, Stage 2, CIP Plan No. PW-R-164 ("the Project"), was adopted as part of such CIP, which includes the public uses of expanding 120th Avenue NE into a five-lane arterial, with two lanes in each direction and a center turn lane where needed, between NE 8th Street and NE 12th Street, with bike lanes, curb, gutter and sidewalk on both sides, retaining walls, traffic signals, illumination, landscaping, irrigation, storm drainage and detention, and other utility infrastructure as needed, and a new signalized intersection at 120th Avenue NE and Bellevue-Redmond Road; and

WHEREAS, the Project will extend 120th Avenue NE northward from NE 8th Street to NE 12th Street; and

WHEREAS, City Council finds that the public health, safety, necessity and convenience demand that said Project be undertaken at this time and that in order to carry out the Project it is necessary at this time for the City to acquire interests and rights to the properties described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property rights hereinafter described be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof and allowing for consideration of special benefits and related special assessments in the manner provided by law; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, adjacent to 120th Avenue NE between NE 8th Street and NE

12th Street, as now generally described in Exhibit "A" and generally depicted on Exhibit "B", are necessary for construction of the Project described above, subject to making or paying just compensation to the owners thereof, and allowing for consideration of setoff by the amount of special benefit accruing to the remainder portion of the property, in the manner provided by law.

Section 2. The City Council of the City of Bellevue finds construction of the Project to be a public use, specifically the public use of expanding 120th Avenue NE to a five-lane arterial public street, with two travel lanes in each direction and a center turn lane where needed, between NE 8th Street and NE 12th Street, with bike lanes, curb, gutter and sidewalk on both sides, retaining walls, traffic signals, illumination, landscaping, irrigation, storm drainage and detention and other utility infrastructure as needed, and a new signalized intersection at 120th Avenue NE and Bellevue-Redmond Road. The City Council specifically finds construction of the Project to be necessary, and in the best interests of the citizens.

Section 3. The cost and expense of acquiring the property rights described in this Ordinance shall be paid from the Capital Investment Program (CIP) Plan, or from other general funds of the City. The Director of the Civic Services Department or her designee is hereby authorized to negotiate with, make offers to, and execute agreements with the owners of said land or property interests, for the purposes of: obtaining property interests, including remainder parcels, if they are determined to be uneconomic remnants; entering into lease agreements with property owners (lease-backs) between the time of acquisition and start of construction; making or paying just compensation; and, approving the payment of just compensation as negotiated with said owners or as ordered by the Court.

Section 4. In the absence of negotiated purchases with the affected property owners, the City Attorney or her designee is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, and take the property necessary to carry out the provisions of this ordinance. In so doing, the City Attorney or her designee is authorized to utilize legal descriptions and depictions of the property rights condemned herein in a format more precise than those general descriptions and depictions set forth in Exhibits A and B. The City Attorney or her designee is further authorized to approve and enter into any and all such agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 5. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

Passed by the City Council this 3rd day of December, 2012, and signed in authentication of its passage this 3rd day of December, 2012.

(SEAL)



Conrad Lee
Mayor

Approved as to form:

Lori M. Rjordan, City Attorney


Mary Kate Berens, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published December 6, 2012

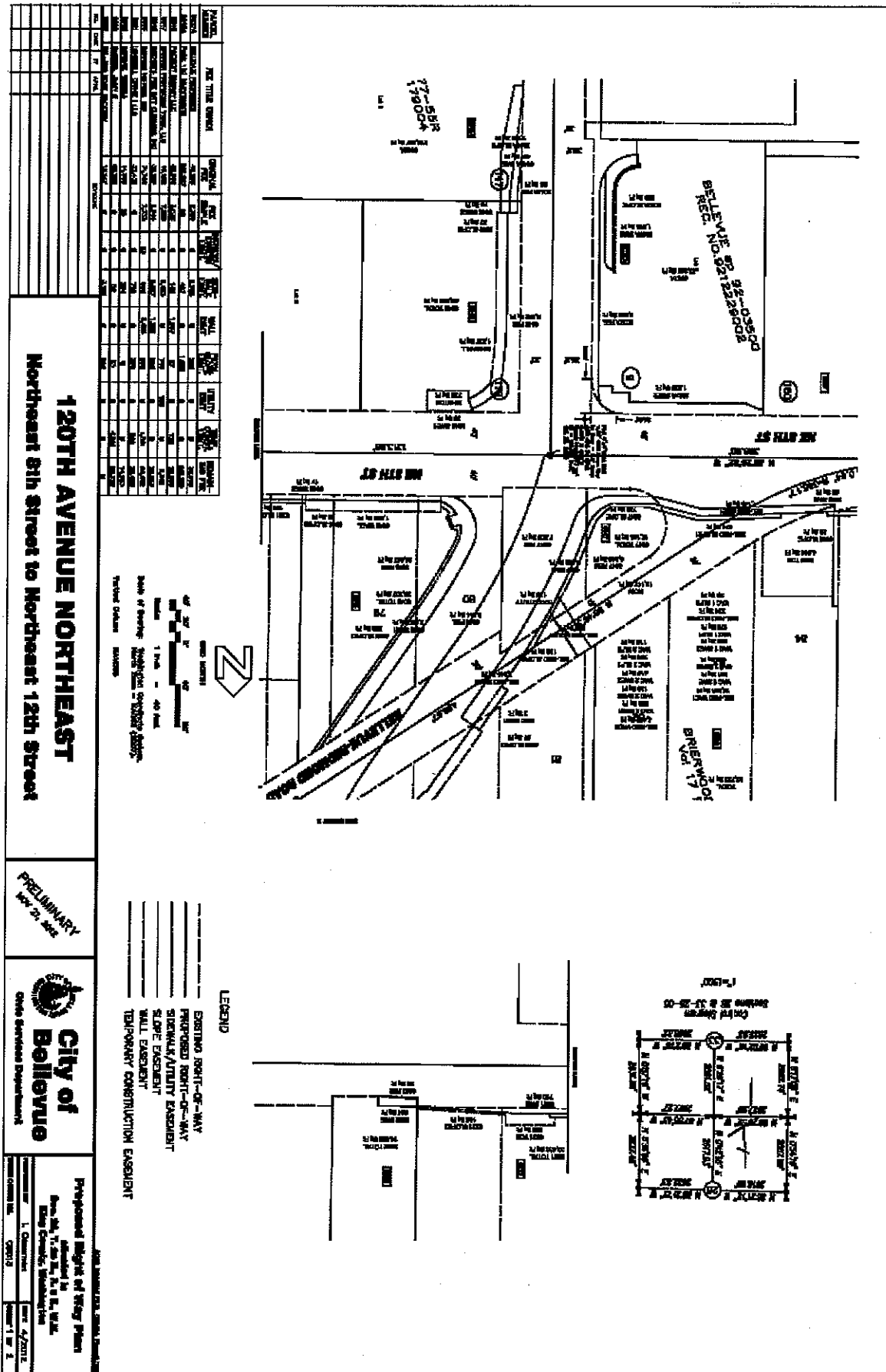
EXHIBIT "A" – GENERAL PROPERTY DESCRIPTIONS

120th Avenue NE – Stage 2; NE 8th Street to NE 12th Street – CIP PW-R-164

COB Parcel #	Property Address /	KC Tax ID #	Property Type Required	Square Footage
6037A	11919 NE 8 th St.	332505-9009	Fee simple Sidewalk/Util. Easement Slope Easement	2,329 2,982 230
6045A	636-120 th Ave. NE	332505-9147	Fee simple Sidewalk/Util. Easement Slope Easement	98 497 1,209
6046	12001 NE 8 th St.	332505-9179	Fee simple Sidewalk/Util. Easement Wall Maint. Easement Slope Easement Temporary Const. Esmt.	3,032 140 1,937 97 739
6047	11866 NE 8 th St.	109910-0425	Fee simple Sidewalk/Util. Easement Slope Easement Utility Easement	7,809 2,463 748 189
6048	11855 NE 8 th St.	109910-0420 109910-0419	Fee simple Sidewalk/Util. Easement Wall Maint. Easement Slope Easement	9,544 3,897 1,280 896
6050	12000 NE Bel-Red Rd.	109910-0167	Fee Simple Sidewalk/Util. Easement Wall Maint. Easement Slope Easement Temporary Const. Esmt.	15,875 2,949 2,998 2,603 3,164
6051	12001 NE 12 th Street	109910-0165	Fee Simple Sidewalk/Util. Easement Wall Maint. Easement Temporary Const. Esmt.	11,370 745 2,533 9,500
6054	40 Lake Bellevue Dr.	698653-0010	Fee Simple Ingress/Egress Easement Wall Maint. Easement Slope Easement Temporary Const. Esmt.	18 3,890 790 263 9,928
6055	11900 NE 8 th St.	109910-0415	Fee simple Ingress/egress Sidewalk/Util. Easement Wall Maint. Easement Slope Easement Temporary Const. Esmt.	7,733 23 668 2,465 898 1,561

COB Parcel #	Property Address /	KC Tax ID #	Property Type Required	Square Footage
6221	12000 NE 8 th St.	109910-0140	Sidewalk/Util. Easement Slope Easement Temporary Const. Esmt.	710 359 500
6562	12022 NE 8 th St.	109910-0406	Fee simple Sidewalk/Util. Easement	35 294
6563	12150 NE Bel-Red Rd.	109910-0185 109910-0171	Slope Easement Temporary Const. Esmt.	368 913
6564	12020 NE Bel-Red Rd.	109910-0168	Fee Simple Sidewalk/Util. Easement Slope Easement Temporary Const. Esmt.	465 566 814 1,643
6565	12001 NE 12 th St.	109910-0170	Fee Simple Sidewalk/Util. Easement Wall Maint. Easement Slope Easement Temporary Const. Esmt.	3,292 568 696 313 1,173
6566	11850 NE Bel-Red Rd.	109910-0430 92,732	Sidewalk/Util. Easement Slope Easement Temporary Const. Esmt.	52 23 4,901

1306-ORD
12/03/12



1306-ORD
12/03/12

